MYSORE ACT No. XXIII OF 1952.

THE MYSORE RESTRICTION OF HABITUAL OFFENDERS ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the thirtieth day of August 1952.)

An Act for imposing certain restrictions on habitual offenders in [1][the State of Mysore except Bellary District].

Preamble.

WHEREAS it is expedient to impose certain restrictions on habitual offenders in [1][the State of Mysore except Bellary District] ;

It is hereby enacted as follows:—

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Restriction of Habitual Offenders Act, 1952.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) This section shall come into force at once ; and the rest of this Act shall come into force on such date as the Government may, by notification in the *Mysore Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) " Government " means the State Government ;

(2) " habitual offender " means a person who, before or after the commencement of this Act, has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal

1. See the Mysore Adaptation of Laws Order, 1953.

or revision, on not less than three occasions, for one or another of the offences under the Indian Penal Code, set forth in the Schedule, each of the subsequent sentences having been passed in respect of an offence committed after the passing of the sentence on the previous occasion;

Explanation.—The passing of an order requiring a person to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, shall be deemed to amount to the passing of a sentence of substantive term of imprisonment within the meaning of this clause.

(3) "notification" means a notification published in the *Mysore Gazette*;

(4) "notified offender" means a habitual offender in respect of whom a notification has been issued under section 3 and is in force;

(5) "prescribed" means prescribed by rules made under this Act;

(6) "Schedule" means the Schedule to this Act;

(7) "settlement" means a settlement established or deemed to be established under section 8.

Notification of offenders and restrictions of their movements.

3. (1) The Government may, by notification— Power of Government to notify habitual offenders.

(*a*) if they are satisfied that any person is a habitual offender, declare that he shall be subject to the provisions of this Act to such extent and subject to such restrictions, if any, as may be specified in the notification;

(*b*) cancel or modify any such declaration.

(2) Before any notification is issued in respect of any person under clause (*a*) of sub-section (1) or modified to his disadvantage under clause (*b*) of sub-section (1), a reasonable opportunity shall be given to him to show cause against such issue or modification.

Delegation of powers to District Magistrate.

4. The Government may, by notification, delegate their powers under section 3 to a District Magistrate, in respect of persons ordinarily residing in his district, subject to such restrictions and conditions, as may be specified in the notification, and subject also to control and revision by them.

Notified offenders to intimate residence or change of residence.

5. Every notified offender shall intimate to such authority and in such manner as may be prescribed, his place of residence, every change or intended change thereof, and every absence or intended absence therefrom:

Provided that the District Magistrate, or any officer authorised by him, may exempt any such offender from reporting any temporary absence or intended absence from his residence, not exceeding such limit as may be prescribed.

Power to restrict movements of notified offenders.

6. (1) If in the opinion of the Government it is expedient to do so, they may, by notification, declare that any notified offender shall be restricted in his movements to a specified area.

(2) Before making any such declaration, the Government shall consider—

(i) the nature of the offences, if any, of which the offender has been convicted and the circumstances in which they were committed;

(ii) whether the offender follows any lawful occupation, and whether such occupation is a real one or merely a pretence for facilitating the commission of offences;

(iii) the suitability of the area to which his movements are to be restricted;

(iv) the manner in which it is proposed that he should earn his living in such area, and the adequacy of the arrangements therefor.

Power to cancel or alter such restrictions.

7. The Government may, by notification, cancel any declaration made under section 6 or alter any area notified under that section or this section; and the District Magistrate may, by order in writing, alter any area

notified under section 6 or this section into any other area situated in his district :

Provided that before issuing any such notification or order, the Government or the District Magistrate shall consider the matters referred to in sub-section (2) of section 6, in so far as they may be applicable.

Settlements.

Power to place notified offenders in settlements.

8. The Government may establish industrial, agricultural or reformatory settlements, and may order any notified offender to be placed in any such settlement.

Power to discharge or transfer persons from settlements.

9. The Government, or any officer authorised by them, may at any time, by order, direct any notified offenders who may be in a settlement to be discharged, or transferred to any other settlement.

Power to subject voluntary residents in settlements to restrictions and penalties.

10. The Government may, by order, direct that any person voluntarily residing in any settlement shall be subject to all or any of the restrictions and penalties imposed by or under this Act on a notified offender placed in such settlement.

Rules.

Power to make rules.

11. (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(*a*) all matters required or allowed by this Act to be prescribed ;

(*b*) the restrictions to be observed by notified offenders in respect of whom notifications or orders have been issued under section 6 or section 7 ;

(*c*) the grant of certificates of identity to notified offenders, and the inspection of such certificates ;

(*d*) the conditions under which notified offenders may be permitted to leave the area to which their movements are restricted or the places in which they are settled ;

(*e*) the inspection of the residences of notified offenders ;

(*f*) the terms upon which notified offenders may be discharged from the operation of this Act ;

(*g*) the management and supervision of settlements including the discipline and conduct of the persons placed in them ;

(*h*) the periodical review of the cases of all persons who have been placed in any settlement under this Act.

(3) All rules made under this section shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

Penalties and Procedure.

Penalties.

12. Any notified offender who contravenes any of the provisions of this Act or any notification, rule or order made thereunder shall be punishable—

(*a*) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both ;

(*b*) on a second or subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Arrest of notified offenders.

13. If a notified offender—

(*a*) is found outside the area to which his movements have been restricted, in contravention of the conditions under which he is permitted to leave such area, or

(*b*) escapes from any settlement in which he has been placed,

he may be arrested without warrant by any police officer, village headman or village watchman. If the offender is arrested, he shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate and the offender shall not be detained beyond the said period without the authority of a Magistrate. The Magistrate shall, on production of the offender and

on proof of the facts, order him to be removed to such area or to such settlement, there to be dealt with in accordance with this Act and any rules made thereunder.

Rules for the removal of prisoners to apply in certain cases.

14. Every law or rule for the time being in force governing the removal of prisoners shall apply to all persons ordered to be placed in a settlement under section 8 or to be removed under section 13:

Provided that no order from the Government or the Inspector-General of Prisons shall be necessary for the removal of such persons.

Miscellaneous.

Bar of jurisdiction.

15. No Court shall question the validity of any notification (other than one under section 3), or order, issued under this Act.

Effect of certain orders passed under the Criminal Tribes Act, 1916, etc.

16. (1) In respect of every person who stood registered under the Mysore Criminal Tribes Act, 1916 (hereinafter in this section referred to as the said Act), at the commencement of this Act and who, within a period of five years immediately preceding such commencement, had been either ordered to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, or convicted of an offence under section 24 of the said Act or of a non-bailable offence under any other law, a notification shall be deemed to have been issued under sub-section (1) of section 3 of this Act declaring him to be subject to all the provisions of this Act; and this Act shall apply to every such person accordingly.

(2) Any notification or order issued or made under the said Act in respect of any person referred to in sub-section (1) and in force at the commencement of this Act, restricting the movement of such person or placing him in a settlement shall be deemed to have been issued or made under this Act.

(3) All settlements established under section 16 of the said Act and existing at the commencement of this Act shall be deemed to have been established under section 8 of this Act.

(The Schedule)

THE SCHEDULE.

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243. Possession of Indian coin by a person who knew it to be counterfeit when he became possessed thereof.

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